

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:22-CV-520-FL

JONATHAN BELL,

Plaintiff,

v.

GATOR METAL CORP.,

Defendant.

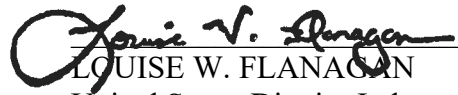
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ORDER

This matter is before the court on plaintiff's motion for leave to proceed in forma pauperis (DE 2). United States Magistrate Kimberly A. Swank entered a memorandum and recommendation ("M&R"), pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), wherein it is recommended that plaintiff's application be denied as he has not demonstrated that having to pay the required filing fee would deprive him of the necessities of life. See Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339 (1948).

Upon careful review of the M&R and the record in this case, the court ADOPTS the recommendation of the magistrate judge as its own, DENIES plaintiff's motion for leave to proceed in forma pauperis, and DIRECTS plaintiff to pay the requisite court costs, including the filing fee, on or before **April 28, 2023**. See Local Civil Rule 3.2. If plaintiff fails to pay the filing fee by that date, the clerk is DIRECTED to re-designate the action as a miscellaneous case, TERMINATE defendant's pending motion to dismiss (DE 12) as MOOT, and close the matter without further order from the court.

SO ORDERED, this the 29th day of March, 2023.



LOUISE W. FLANAGAN
United States District Judge